

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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MODERN CONTINENTAL
CONSTRUCTION, INC.

Plaintiff,

-against-

RLI INSURANCE COMPANY

Defendant.

Civil Action No.: 03 CV 12247 WGY

**STIPULATION and ORDER
OF DISMISSAL**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel, that the above entitled action and all related counterclaims are discontinued with prejudice, with each party to bear its own attorney's fees and costs.

Dated: October 5, 2004

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SO ORDERED:

U.S.D.J.